

49. (Canceled)

### REMARKS

Reconsideration of the present application is respectfully requested.

#### Summary of Office Action

Claims 1-4, 7, 9-10, 15, 18-21, 24-27, 34-35, 38-39 and 44 stand rejected under 35 U.S.C. § 103(a) based on Soltis 6,697,846 ("Soltis") in view of Cox 6,728,766 ("Cox"). Claims 11-12, 28 and 42 stand rejected under 35 U.S.C. § 103(a) based on Soltis and Cox, in view of Petersen 2006/0195616 ("Petersen"). Claims 13-14, 29-32, 40-41 and 43 stand rejected under 35 U.S.C. § 103(a) based on Soltis and Cox, in view of Theimer et al. 5,649,099 ("Theimer"). Claims 17 and 46 stand rejected under 35 U.S.C. § 103(a) based on Soltis, and Cox in view of Luk 2006/0195616 ("Luk"). Claims 47-48 stand rejected under 35 U.S.C. § 102 (e) based on Cox.

#### Interview Summary

A telephonic interview was conducted between the Examiner and Applicant's representative (the undersigned) on 1/12/2009. Claims 1, 18, 34, 47 and 48 were discussed. In particular, Applicants' representative presented arguments as substantially reflected in the remarks below. No particular agreement was reached, however, the Examiner agreed to give full consideration to Applicants' arguments when formally submitted (i.e., in this response).

#### Summary of Amendments

In this amendment, claims 1, 18 and 34 have been amended. No claims have been canceled or amended. No new matter has been added.

### Discussion of Rejections

The amendments to the claims are made only to place the claims in a form that Applicants prefer. The amendments are not made in response to the rejections or to comply with any statutory requirement of patentability, since no such amendments are believed to be necessary.

Applicants respectfully traverse the rejections.

### Claims 1, 18, 34

The cited references do not disclose or suggest all of the limitations of Applicants' invention, either individually or in combination, and therefore cannot render the invention obvious.

First, the cited combination of references does not disclose or suggest that a policy engine actually retrieves the requested data set on the storage server's behalf and then provides it to the storage server after applying a policy, as substantially recited in claims 1, 18 and 34.

Soltis discloses that metadata is be stored in a storage server (col. 4, lines 17-26) or in a special metadata file system (MFS) server 108 (Fig. 1; col. 5, line 66 – col. 6, line 7), and that "real" data (user data) is stored remotely from the MFS server (Fig. 1). However, as the Office admits (Office Action, p. 4), Soltis does not disclose a policy engine.

Cox, on the other hand, discloses little that is relevant to the present invention, beyond the general concept of using policies. Cox discloses the use of policies to control, for example, software license use management when accessing a software application. The Office has not stated where the alleged "policy engine" resides in Cox. However, note that Cox discloses that the license policies are implemented by the on-demand server 22 (col. 13, lines 33-49). Therefore, assuming *arguendo* the alleged policy engine resides in on-demand server 22 or 22' and the alleged "storage server" is

the Network Management Server 20 in Cox, there is still no suggestion in Cox that the alleged policy engine in server 22 or 22' can retrieve any data on behalf of Network Management Server 20, in response to a client request, and then provide such requested data to the Network Management Server 20, nor is there such suggestion when combined with Soltis. Assuming *arguendo* that some combination could be made from Soltis and Cox, the combination could not produce, or render obvious, the operations of using a policy engine to retrieve data on behalf of a storage server and then provide the data to the storage server after applying a policy.

Second, the cited combination does not disclose or suggest using metadata in a storage server to determine whether the set of data is stored in local storage of the storage server or externally to, and remotely from, the storage server. The Office cites Soltis as col. 4, lines 17-26 (Office Action, p. 4). However, while Soltis discloses using metadata to "determine the location of" stored data, there is no suggestion in Soltis that the data can be stored either in local storage of the storage server or remotely from the storage server, much less that the metadata is used to determine which of those two options applies to a given set of data. In Soltis, all of the user data (as opposed to metadata) is stored in NAS devices 110 (Fig. 1; col. 8, lines 28-31). Likewise, Cox also provides no such disclosure or suggestion of using metadata in a storage server to determine whether the set of data is stored in local storage of the storage server or externally to, and remotely from, the storage server.

For at least the above reasons, therefore, the present invention is not obvious based on any combination of Soltis and Cox.

#### Claim 47

Claim 47 stands rejected under 35 U.S.C. § 102 (e) based on Cox. First, Cox does not disclose or suggest that a policy engine receives requests from each of a plurality of storage servers, as recited in claim 47. Cox discloses an "on-demand"

server 22, which stores license use management policy information (Fig. 1; col. 12, lines 50-52). Cox also discloses a second on-demand server 22'. However, Cox does not disclose a policy engine that receives requests from each of a plurality of storage servers. As noted above, the Office has not stated where the alleged policy engine resides in Cox or where Cox supposedly discloses it receiving requests from a plurality of storage servers. If the Office intends to rely upon Cox in maintaining this rejection, Applicants request that the Office clarify those points.

Second, Cox does not disclose or suggest that a policy engine implements a storage-related policy that is specific to a particular storage server, as in claim 47. Cox discloses that the on-demand server 22 stores policy information (col. 12, lines 50-52) and implements the policies (col. 13, lines 33-49); however, that is not the same as, nor any suggestion that, the policies themselves are specific to a particular storage server. The Office cites Cox at col. 13, lines 4-7 in this regard (Office Action, p. 21), but that section contains no suggestion of a storage policy that is specific to a particular storage server, nor is such disclosure found elsewhere in Cox.

For at least these reasons, therefore, claim 47 is thought to be patentable over the cited art.

#### Claim 48

Claim 48 stands rejected under 35 U.S.C. § 102 (e) based on Cox. First, Cox does not disclose or suggest a policy engine that is external to a storage server, per claim 48. The Office cites Cox's Fig. 1 in this regard (Office Action, p. 21), but the Office does not identify where the alleged policy engine supposedly resides and where the storage server supposedly resides in Cox.

Second, Cox does not disclose or suggest receiving at a storage server, from a client, a request to perform a storage-related operation relating to a set of data, per claim 48. Cox relates to a technique for software deployment, and more specifically, to enabling a user to access a software application that resides on a remote server "on

demand" (col. 1, lines 22-24; col. 6, lines 49-53). Cox does not relate to network storage operations, thus, Cox does not disclose a client sending any request to perform a storage related operation to a storage server.

Third, Cox does not disclose or suggest that a policy engine operates to restrict ability to open, close and modify a set of data in response to a client request. The license policies in Cox relate to controlling a user's ability to access a software application on demand. There is no disclosure or suggestion that the license policies can restrict the user's ability to modify any set of data.

For at least these reasons, therefore, claim 48 is thought to be patentable over the cited art.

Applicants have not necessarily discussed here every reason why every pending independent claim is patentable over the cited art; nonetheless, Applicants are not waiving any argument regarding any such reason or reasons. Applicants reserve the right to raise any such additional argument(s) during the future prosecution of this application, if Applicants deem it necessary or appropriate to do so.

#### Dependent Claims


In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicants' silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

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Respectfully submitted,

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